

DISTRICT DEPARTMENT OF THE ENVIRONMENT

NOTICE OF FINAL RULEMAKING

The Director of the District Department of the Environment (“DDOE”), pursuant to the authority set forth in the Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.11) (“GBA”), section 107(4) of the District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.07(4)), and Mayor's Order 2007-206, dated September 21, 2007, hereby gives notice of this final action to adopt Chapter 35 of Title 20 of the District of Columbia Municipal Regulations (“DCMR”), as published with the Notice of Proposed Rulemaking in the *D.C. Register* on March 21, 2008, 55 DCR 2913.

These rules assist with implementation of the Green Building Act, but are limited in scope to the authority granted to DDOE under Mayor's Order 2007-206. The rules include three provisions necessary to satisfy certain DDOE responsibilities under the GBA: (1) to adopt the Leadership in Energy and Environmental Design (“LEED”) Green Building Rating System for Schools as the standard for new and substantially renovated public schools green building standards; (2) to establish the basis and process for granting exemptions from the GBA's requirements; and (3) to establish an internal DDOE expedited permit review provision for all projects that DDOE determines offer exemplary environmental benefits. The exemption rules were the result of consultation with the Green Building Advisory Council, created by the GBA. DDOE also notes that the specific language in section 3(b) of the GBA only requires school buildings to meet the LEED certification level, unlike other District government buildings which must meet the LEED silver certification level.

No comments were received on the proposed rules and no changes have been made to the text of the proposed rules as previously published. After a forty-five (45) day review period before the Council of the District of Columbia, the rules were deemed approved on May 30, 2008. These final rules will become effective upon publication of this notice in the *D.C. Register*.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET NW, 2ND FLOOR, WEST TOWER
WASHINGTON, DC 20005**

NOTICE OF FINAL RULEMAKING

**FORMAL CASE NO. 1060, IN THE MATTER OF THE INVESTIGATION INTO
THE IMPLEMENTATION OF SECTION 7 OF THE ENERGY EFFICIENCY
STANDARDS ACT OF 2007, DEVELOPING COMMISSION RULES FOR THE
PURCHASE OF LIQUID-IMMERSED DISTRIBUTION TRANSFORMERS
(LIDT) BY THE ELECTRIC COMPANY**

1. The Public Service Commission of the District of Columbia (“Commission”) pursuant to § 2-505 and 34-802 of the District of Columbia Official Code,¹ hereby gives notice of final rulemaking action adopting a new Chapter 43 of Title 15 of the District of Columbia Municipal Regulations (“DCMR”). The Commission issued a Notice of Proposed Rulemaking (“NOPR”) which was published in the D.C. Register on September 12, 2008, giving notice of the Commission’s intent to adopt Chapter 43 of Title 15 DCMR.² The final version of the rules contains a technical modification to the Notice of Proposed Rulemaking.

2. As indicated in the NOPR, the regulations are consistent with the Energy Efficiency Standards Act of 2007 (the “Energy Standards Act”) and were developed to promote energy conservation in the District of Columbia by adopting rules that establish energy efficiency standards for certain products sold or installed in the District of Columbia.³ More specifically, pursuant to Section 7 of the Energy Standards Act, the Commission is adopting rules that govern the purchase of Liquid-Immersed Distribution Transformers (“LIDT”) that are in compliance with the United States Department of Energy’s (“DOE”) November 13, 2007 final rules⁴ and are based on the life-cycle cost methodology contained in Section 2 of Standard TP 1-2002 published by the National Electric Manufacturers Association (“NEMA”). Accordingly, the Commission hereby adopts Chapter 43 of Title 15 DCMR governing LIDTs as contained in the *D.C. Register* on September 12, 2008. The rules become effective upon publication. Copies of the rules may be obtained by contacting Dorothy Wideman, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H St., N.W., West Tower, Suite 200, Washington, D.C. 20005. Copies may also be obtained on the Commission’s website at www.dcpsc.org.

¹ See D.C. Official Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

² 55 *D.C. Register* 9740-9743 (September 12, 2008).

³ See D.C. Law 17-64 the Energy Efficiency Standards Act of 2007.

⁴ See 10 C.F.R. Part 431 *et seq.*

**CHAPTER 43 RULES FOR THE PURCHASE OF LIQUID-IMMERSED
DISTRIBUTION TRANSFORMERS BY THE ELECTRIC
UTILITY**

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4300 GENERAL PROVISIONS

4300.1 This Chapter implements the Energy Efficiency Standards Act of 2007, and governs the purchase of Liquid-Immersed Distribution Transformers. This rulemaking shall be cited as the “District of Columbia LIDT Purchasing Rules”.

**4301 PURCHASE OF LIQUID-IMMERSED DISTRIBUTION
TRANSFORMERS**

4301.1 This regulation applies to the electric utility that provides electric distribution service to the District of Columbia.

4301.2 After January 1, 2009, and subject to reasonable commercial availability, the electric utility shall purchase liquid-immersed distribution transformers using the life-cycle cost methodology specified in Section 2, Efficiency Evaluation for Electric Utilities of NEMA Standards Publication TP 1-2002.

4301.3 Evaluation of Distribution Transformer Models:

(a) Within each capacity class or type of liquid-immersed distribution transformers, a reasonable number of commercially available models shall be evaluated and, except as provided in paragraph (b), the model in each such class or type with the lowest total owning costs as determined by the life-cycle cost methodology shall be selected for the purchase.

(b) If a utility is soliciting bids to supply multiple capacity classes or types of liquid-immersed distribution transformers under a single contract, models offered by a supplier in more than one capacity class or type may be combined for purposes of life-cycle cost evaluation, provided that the aggregation of models offered by

a single supplier in such combined classes or types with the lowest total owning cost as determined by the life-cycle cost methodology conducted prior to contract award shall be selected for purchase.

(c) For purposes of this evaluation, all values for load losses and no-load losses shall be determined through the methods specified in the "Uniform Test Method for Measuring the Energy Consumption of Distribution Transformers," Appendix A to Subpart K of 10 CFR, Part 431, as amended, which is incorporated by reference.

(d) For purposes of this evaluation, estimated values of energy and capacity shall be based upon the most current year available at the time of any bid solicitation.

Nothing in this regulation shall require a utility to purchase any liquid-immersed distribution transformer that fails to meet federal energy efficiency standards specified in 10 CFR Part 431, as amended, which is incorporated by reference.

4301.4 After January 1, 2010, and subject to reasonable commercial availability, the electric utility shall purchase liquid-immersed distribution transformers that meet or exceed the energy efficiency standards specified in the Department of Energy's ("DOE") final rules in Part 431 of Title 10 of the Code of Federal Regulations.

4302 INFORMATION TO BE FILED WITH THE COMMISSION

4302.1 On or before May 1 of each year, the electric utility shall file a report entitled "Distribution Transformer Report" which demonstrates whether the utility complied with the Energy Standards Act of 2007. The report shall include:

(a) The number of models of transformers in each capacity class or type that were evaluated during the reporting period;

(b) The avoided cost of generation and transmission energy and capacity used in the life-cycle cost analysis; and

(c) The estimated savings in energy and capacity resulting from the purchase of transformers in the year, compared with minimally efficient distribution transformers of the same capacity, class or type.

4303 WAIVER

4303.1 The Commission may, in its discretion, waive any of the provisions of Chapter 43 of Title 15 in any proceeding after duly advising the parties of its intention to do so.

4304 DEFINITIONS

4304.1 When used in this rulemaking, the following terms and phrases shall have the following meaning:

“Commission” means the Public Service Commission of the District of Columbia.

“Electric Utility” means the company that provides electric distribution service and is regulated by the Public Service Commission of the District of Columbia.

“Liquid-immersed distribution transformer” means a transformer that has an input voltage of 34,500 volts or less, an output voltage of 600 volts or less, uses oil or other liquid as a coolant, and is rated for operation at a frequency of 60 Hertz.

“Minimally efficient distribution transformer”, for reporting purposes of this chapter, shall mean:

(a) For transformers purchased before January, 2010, a transformer meeting the minimum efficiency specification established in Table 4-1 of NEMA Standards Publication TP 1-2002, which is incorporated by reference; and

(b) For transformers purchased on or after January 1, 2010, a transformer meeting the minimum efficiency standard established in 10 CFR Part 431, as amended, which is incorporated by reference.

“Transformer” means a device consisting of two or more coils of insulated wire that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.